

Town Board Minutes

Meeting No. 18

Special Meeting

May 19, 2003

Town Board Minutes

May 19, 2003

Meeting No. 18

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of May 2003, at 6:30 PM and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
JOHN GOBER, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: RICHARD ZARBO, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, a residential subdivision situated on the west side of Steinfeldt Road south of Eric Street was approved by the Town Board on March 19, 1990, said subdivision being identified as Roseland Subdivision, and

WHEREAS, the subdivision was never constructed and the owner has now revisited the subdivision with the Municipal Review Committee and has sought the issuance of public improvement permits, and

WHEREAS, the Municipal Review Committee and Town Attorney have reviewed SEQR regulations to determine whether it is necessary to reopen the environmental review of this project and have determined that there is no further environmental review necessary since the design and density of the subdivision have not changed and the detention area is sized to a 100 year storm;

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee has determined that there is no need for a further environmental review under the SEQR regulations on the above referenced subdivision since there are no changes in the design of the subdivision or changes in the proposed density and the detention area is sized to a 100 year storm which meets the new requirement for Storm Water Protection Plan (SWPP) imposed by the Environmental Protection Agency and Department of Environmental Conservation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED NO

May 19, 2003

File: rrosclandsubdivisionmrcresolution503

**IN THE MATTER OF THE SEQR REVIEW OF THE
LANCASTER DENTAL ASSOCIATES, PC SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Lancaster Dental Associates site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
LANCASTER DENTAL ASSOCIATES, PC SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.79 acres.

The location of the premises being reviewed is situate at 5755 Broadway, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species.
 - It is noted that pesticide or herbicide may be applied as a routine lawn service.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
 - It is noted that the land has not been used for agricultural purposes for more than ten years and has been previously disturbed. A house has been situated on this property for approximately 150 years.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
 - It is noted that the Town of Lancaster Planning Board has requested that the architect provides the Town Clerk a photographic record of the interior and exterior of the house and barn for future reference.

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community.
 - There may be a slight increase in demand for fire service.
 - There may be a small to moderate increase in employment as a result of the project.
 - This site was a vernacular structure built approximately 150 years ago. A photographic record has been requested.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

N.B. The Municipal Review Committee, in response to the comments in the May 7, 2003 communication from Christopher J. Sansone, Erie County Department Of Environment & Planning, makes the following comments:

1. The subject property is not immediately adjacent to Como Lake Park. It is approximately 1,000 feet away from the northern boundary of Como Lake Park.
2. The rear portion of the subject property is not located in the Cayuga Creek 100 year flood plain, it is several hundred feet from the northerly boundary thereof.
3. Although the "Lancaster North-South Corridor Preservation Study" (1999) done by the Greater Buffalo Niagara Regional Transportation Council identifies this piece of property as having prime agricultural soils, it has not been farmed in a significant period of time. Agricultural lands need to be clustered together to be effective; this parcel is not near any active farm, and is not of a size to be efficiently farmed.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

May 19, 2003

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

May 19, 2003

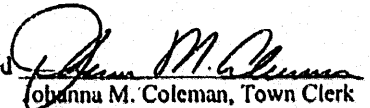
ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA, AND
SECONDED BY COUNCIL MEMBER STEMPIAK FOR ADJOURNMENT OF THE
MEETING, by voice vote, resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:09 P.M. in memory of Kathleen Szymanski

Baccari.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 19

Regular Meeting

May 19, 2003

Town Board Minutes

May 19, 2003

Meeting No. 19

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of May 2003 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: RICHARD ZARBO, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCracken, GENERAL CREW CHIEF
SUZANNE BLANK, CLERK TYPIST

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO,
SECONDED BY COUNCIL MEMBER MONTOUR, by roll call vote, to deliberate in
Executive Session for the announced purpose of discussing the Larkspur Acres litigation
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 9:47 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Haniszewski, Jean Ann, 936 Ransom Road, spoke to the Town Board on the following matters:

- Expressed concerns about the Cadby Industrial Park expansion; feels that a berm or tall fence should be required in site plan approval.
- Alleges that there is standing water on the property.

Haniszewski, Kathy, 946 Ransom Road, spoke to the Town Board on the following matters:

- Asked if Lee Cadby will be required to build a berm on property as a condition of site plan approval.

Pijacki, Kathleen, 112 Maple Drive, spoke to the Town Board on the following matters:

- Expressed concerns about Class I wetlands.
- Does not want wetlands south of Garden Place Hotel to be disturbed.

Brainard, Joseph, 15 Regency Court, spoke to the Town Board on the following matter:

- Addressed concerns about approval of his Special Use Permit application.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- Comments about study to build Police Department facility.
- Questions about garbage collection contract.
- Claims that Town of Checktowaga will be dumping refuse at 4429 Walden Avenue.

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Spoke in favor of the feasibility study regarding the Police facility building.

Howell, Gary, 48 Park Blvd, spoke to the Town Board on the following matters:

- Questions about the agreement to purchase the Colecraft Building on Walden Avenue.
- Questions about Trautman Associates feasibility study.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questioned if the contract to purchase the Colecraft building contains a contingency clause.
- Expressed concerns about a firing range at the proposed Police facility.
- Questioned communication #302 regarding payments to Town of Lancaster from Village of Lancaster for Police merger.
- Comments/questions about Police merger.

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:

- Distressed that the Town Board has reject the garbage collection bids.
- Feels that an ad hoc committee is a solution to deciding bid awards.
- Has concerns about back-up time for garbage trucks in cul-de-sacs.
- Questions about the flood plain in the proposed Roseland Subdivision.
- Inquired about the calculations made on Roseland Subdivision detention basin; will see Town Engineer for these calculations.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held May 12, 2003 and the Joint Meeting of the Board of the Village of Lancaster and the Town
Board held May 12, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Section 4-104(5) of the Election Law of the State of New York provides for consolidation of election districts located within the same polling place in Primary Elections if the candidates of each district are the same on each voting machine and the consolidation results in less than 1200 voters in a consolidated polling place, and

WHEREAS, the Town Clerk has informed the Town Board that she wishes to take advantage of Section 4-104(5) of the Election Law to save taxpayers more than \$8,500 in inspector payroll costs and over \$1,000 in voting machine delivery costs, and

WHEREAS, the Town Clerk has assured the Town Board that no voter will be inconvenienced by the consolidation since only districts located within the same polling place will be consolidated.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to petition the Erie County Board of Elections for permission to consolidate election districts within the Town of Lancaster for the 2003 Fall Primary pursuant to the provision of Section 4-104(5) of the Election Law of the State of New York, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to take any further action necessary to effect the purpose and interest of this consolidation resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: RCONSOL.DIS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOR, TO WIT:

WHEREAS, a residential subdivision situated on the west side of
Steinfeldt Road south of Erie Street was approved by the Town Board on March 19, 1990, said
subdivision being identified as Roseland Subdivision, and

WHEREAS, the subdivision was never constructed and the owner has
now revisited the subdivision with the Town and has sought the issuance of public improvement
permits, and

WHEREAS, the Town Board and Town Attorney have reviewed SEQR
regulations to determine whether it is necessary to reopen the environmental review of this
project and have determined that there is no further environmental review necessary since the
design and density of the subdivision have not changed and the detention area is sized to a 100
year storm.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board has determined that there is no need
for a further environmental review under the SEQR regulations on the above referenced
subdivision since there are no changes in the design of the subdivision or changes in the
proposed density and the detention area is sized to a 100 year storm which meets the new
requirement for Stormwater Protection Plan (SWPP) imposed by the EPA and DEC.

The question of the adoption of the foregoing resolution was duly put to
a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: roselandsubdivision503

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, N & W Construction, Inc., 1705 Hertel Avenue, Buffalo, New York, 14216 has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Roseland Subdivision, Phase I, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 566, 567, 568 and 569 of N & W Construction, Inc., 1705 Hertel Avenue, Buffalo, New York, 14216 for the installation of:

P.I.P. No. 566 (Pavement & Curbs)	Phase I, Roseland Subdivision - 20 lots, approximately 2,000 lineal feet of pavement and approximately 4,000 lineal feet of curbs.
P.I.P. No 567 (Detention Basin)	Phase I, Roseland Subdivision - Open Space with detention basin 4.15 to R.O.W. as per drawings submitted to Town.
P.I.P. No. 568 (Storm Sewer)	Phase I, Roseland Subdivision - Approximately 1500 lineal feet of storm sewers as per drawings submitted to Town.
P.I.P. No. 569 (Water Line)	Phase I, Roseland Subdivision - Approximately 1500 lineal feet of water line as per drawings submitted to Town.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: RPIP (12)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster under a cooperative bid document with the Town of Alden invited bids for the collection and hauling of municipal solid waste for the Town of Lancaster, and

WHEREAS, bids were received on May 5, 2003 and thereafter opened and tabulated, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed the bids received addressing the collection and haul of municipal solid waste in the Town of Lancaster and deems it in the public interest to reject the joint bid for the Town of Lancaster and the Town of Alden and to further reject the bid received solely for collection and haul for the Town of Lancaster, both actions pursuant to the Authority contained in the reservation of rights in the bid documents and specifications.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby rejects the bids received for the collection of municipal solid waste under the joint bid for the Town of Lancaster and Town of Alden and further rejects the bids received for the collection and haul of municipal solid waste for the Town of Lancaster alone pursuant to the rights of the Town of Lancaster under the Authority contained and reserved in the bid documents and specifications.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

May 19, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has received a proposal from Munistat Services, Inc., 8420 Main Street, Williamsville, New York 14221 to assist the Town in planning its capital financing needs, and

WHEREAS, the Town Board has reviewed the proposal from Munistat Service, Inc. and deems it in the public interest to utilize the services which are proposed including assistance in borrowing, using bond anticipation notes and long term serial bond financing.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a contract with Munistat Service, Inc. to provide assistance to the Town in its financial planning and marketing services with fees to be charged for each borrowing made by the Town of Lancaster and on the further terms and conditions that are set out on the letter proposal from Munistat Service, Inc. dated May 1, 2003.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
COUNCIL MEMBER GIZA	VOTED YES

May 19, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested
the purchase of One (1) 16" Cold Planer for the use of the Highway Department, and

WHEREAS, the Highway Committee of the Town Board recommends that such
purchase be authorized.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

6. That Bids be received by the Town Clerk on June 4, 2003 at 10:00
o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the
purpose of purchasing One (1) 16" Cold Planer for the use of the Highway Department in
accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to
Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be
in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 4th day of June, 2003, for the purpose of providing One (1) 16" Cold Planer to the Town of Lancaster for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

May 19, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Lancaster Dental Associates PC, 5489 Broadway, Lancaster, New York, has submitted a Site Plan prepared by DeanSutton Architects L.L.P. dated April 1, 2003 and received May 19, 2003 for the construction of a new 6,400 square foot dentist's office with eight operatories, five hygiene rooms, offices, storage, accessory spaces and a 875 square foot garage to be located at 5755 Broadway in the Town of Lancaster, and

WHEREAS, the Planning Board reviewed the plan and at its meeting May 7, 2003, recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held May 19, 2003 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Lancaster Dental Associates PC, prepared by DeanSutton Architects L.L.P. dated April 1, 2003 and received May 19, 2003 for the construction of a new 6,400 square foot dentist's office with eight operatories, five hygiene rooms, offices, storage, accessory spaces and a 875 square foot garage to be located at 5755 Broadway in the Town of Lancaster contingent on the following conditions:

- Photos to be taken of existing structures, both house and barn, for historic records. Photos to be turned over to the Town for use by Town Historian.
- Height of parking lot lighting to be 15' with flat lenses.
- Building to be moved 5' or more to the west for a more suitable setback for any future road.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief, by letter dated May 15, 2003, has requested the appointment of a seasonal employee in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 2003, and

WHEREAS, this appointment is necessary due to a previously appointed employee declining the position.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual be and is hereby appointed to the position of seasonal employee for the summer season of 2003 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits, at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Christa Kufel (new hire) 30 Pheasant Run Lane, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: Rpers.seasonal (PS)

PREFILED RESOLUTION NO. 10 - MEETING OF 5/19/03

Stempniak/ _____

**Approve Site Plan Cadby Industrial Park (Northeast
Diversification) [Site Plan: Cadby Industrial Park (Northeast
Diversification)]**

**At the request of Council Member Stempniak, this resolution was withdrawn
for further study.**

May 19, 2003

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 2310 to Claim No. 2421 Inclusive

Total amount hereby authorized to be paid: \$790,620.54

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

10482	Parco Building Prod.	Vandenberg Ave	Er. Pole Barn	(V/L)
10496	Schuster Construction	287 Lake Ave	Er. Res. Add.	
10507	Schlum, Ben	83 Woodlawn Ave	Er. Fence	(V/L)
10508	Sczepanski, Mark	22 Ivy Way	Er. Deck	(V/L)
10509	Rich Pools Inc	2 Rue Madeleine Way	Er. Pool-Abv Grnd	
10510	Wroblewski, Robert	19 Summerfield Dr	Er. Shed	
10511	Creative Fence Co Inc	2052 Como Park Blvd	Er. Fence	(V/L)
10512	Mr Pool Enterprises Inc	101 Field Ave	Er. Pool-In Grnd	(V/L)
10513	Mr Pool Enterprises Inc	57 Trentwood Trl N	Er. Pool-In Grnd	
10514	Mr Pool Enterprises Ltd	57 Trentwood Trl N	Er. Fence	
10515	Andrzejewski, Sherry	5726 Broadway	Er. Deck	
10516	Penska, Daniel	15 Willow Ridge Ln	Er. Shed	
10517	Majestic Pools Inc	18 Candice Ct	Er. Pool-In Grnd	
10518	Majestic Pools Inc	4 Running Brook Dr	Er. Pool-In Grnd	
10519	Majestic Pools Inc	4 Running Brook Dr	Er. Fence	
10520	Szczublewski, Lee Ann	64 Cowing St	Er. Shed	(V/L)
10521	Szczublewski, Lee Ann	64 Cowing St	Er. Deck	(V/L)
10522	Duro-Shed Inc	31 Via Donato E	Er. Shed	
10523	H K Frey & Sons Inc	590 Pleasant View Dr	Er. Shed	
10524	Lovejoy Builders Inc	5 Ann Marie Dr	Er. Dwlg.-Sin.	
10525	Lovejoy Builders Inc	7 Ann Marie Dr	Er. Dwlg.-Sin.	
10526	Mencfee, Bradley	142 Robert Dr	Er. Deck	(V/L)
10527	Limpert, Michael	29 Kennedy Ct	Er. Fence	
10528	Dan Gabalski Const.	233 Peppermint Rd	Er. Res. Alt.	
10529	J Gun Enterprises Inc	27 Clermont Ct	Er. Pool-Abv Grnd	
10530	Ludwig, Christopher	57 St John St	Er. Deck	(V/L)
10531	Landmark Signs	6337 Transit Rd	Er. Sign	
10532	Duro-Shed Inc	71 Livingston St	Er. Shed	(V/L)
10533	Rich Pools Inc	71 Livingston St	Er. Pool-Abv Grnd	(V/L)
10534	Freeman, Robert	5215 Genesee St	Er. Deck	

10535	MDC General Contr.	54 Village View	Er. Pergola	
10536	Swimco Mfg	14 Cobblestone Ct	Er. Pool-In Grnd	
10537	Swimco Mfg	14 Cobblestone Ct	Er. Fence	
10538	Marchese, Louis	80 Church St	Er. Fence	(V/L)
10539	Slivan Pool & Const.	33 Fairfield Ave	Er. Pool-Abv Grnd	(V/L)
10540	Ferry Builders Inc	2 Jillian Ln	Er. Dwlg.-Sin.	
10541	Duro-Shed Inc	42 Running Brook Dr	Er. Shed	
10542	Quality Aluminum	11 Wilma Dr	Er. Res. Add.	(V/L)
10543	Fiorella, Dennis	258 Aurora St	Er. Deck	(V/L)
10544	Empfield, Bradley	6 Traceway	Er. Shed	
10545	Marrano/Marc Equity	42 Summerfield Dr	Er. Dwlg.-Sin.	
10546	Forbes Homes Inc	14 Devonshire Ln	Er. Dwlg.-Sin.	
10547	Majestic Pools Inc	17 Quail Run Ln	Er. Pool-In Grnd	
10548	Majestic Pools Inc	17 Quail Run Ln	Er. Fence	
10549	Braymiller Contractors	17 Milton Dr	Er. Res. Add.	(V/L)
10550	Mutka, Edward	50 Stephens Ct	Er. Fence	(V/L)
10551	Page's Bar & Grill	4725 Transit Rd	Er. Sign-Temp	
10552	Slivan Pool & Const.	20 Regency Ct	Er. Pool-Abv Grnd	
10553	Rich Pools	6 Cambridge Ct	Er. Pool-Abv Grnd	
10554	Duro-Shed Inc	2 Matthews Dr	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following three (3) resolutions, seconded by Council Member Montour, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has rejected the bids received by invitation to bid for the collection and haul of municipal solid waste in the Town of Lancaster upon the expiration of the present collection contract with Waste Management, and

WHEREAS, Waste Management has agreed to continue the collection and hauling of the Town's municipal solid waste for a minimum of three months through August 31, 2003 with a CPI adjustment to the present collection cost, and

WHEREAS, the Town Board deems it in the public interest to continue the present collection on the terms as recited hereinabove.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to entered into an agreement with Waste Management for the continuation of the collection and haul of municipal solid waste in the Town of Lancaster by Waste Management for a minimum of three months through the end of August 31, 2003.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Board has received a proposal for professional architectural and engineering services from Trautman Associates, 470 Franklin Street, Buffalo, New York 14202, to conduct a feasibility study for potential locations for the Town of Lancaster Police Department which include: 1) the former Colecraft Manufacturing facility on Walden Avenue, 2) the existing Village Municipal facility on Broadway and 3) a new facility, and

WHEREAS, the Town Board has reviewed the proposal submitted and deems it in the public interest to engage Trautman Associates to complete such a study for the fixed fee in the sum of \$15,000 as set forth in the proposal from Trautman Associates, with the Town of Lancaster to pay one-half of the beforementioned fee and the Village of Lancaster to pay one-half of the fee.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to entered into an agreement with Trautman Associates to conduct a feasibility study as outlined hereinabove for the sum of \$15,000 as stipulated in the proposal received from Trautman Associates, the Town of Lancaster to pay one-half of this fee and the Village of Lancaster one-half of the fee.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: rfecabilitystudywaldenavenue503

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Lancaster/Depew Ponytails Inc. ("Ponytails") has requested that the Town of Lancaster provide a site in Walden Pond Park for use by the Ponytails to construct a building to house batting cages and for general storage, and

WHEREAS, the Ponytails have informed the Town that they will incur the entire expense of the building and are seeking Town assistance only for trenching, grading, placement of stone and a waiver of the building permit fee, and

WHEREAS, the Town Board has reviewed the request of the Ponytails organization for use of the site and deems it in the public interest to afford the Ponytails use of the site within the park to construct a building as beforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a lease agreement whereby the Town will lease a site within the Town owned Walden Pond Park for the Lancaster/Depew Ponytails Inc. to construct a building for general storage and batting cages with the Town providing trenching, grading, placement of stone and further waiving a building permit fee for the beforementioned not-for profit corporation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003
File: lancasterponytailsleasewaldenpond503

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, on roll call, which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) of the Code of the Town of Lancaster, upon the application of Joseph M. Brainard, owner of Trailers Plus and Star Collision, for a Special Use Permit for a Trailer Sales and Collision Shop on premises located at 5454 Genesee Street in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to Joseph M. Brainard, owner of Trailers Plus and Star Collision situate at 5454 Genesee Street in the Town of Lancaster.

BE IT FURTHER

RESOLVED, that this Special Use Permit is granted upon the conditions noted by applicant in letter to Town Board dated May 19, 2003.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

May 19, 2003

File: rspecialusetrailersplusandstarcollision503

COMMUNICATIONS & REPORTS:

293. Village of Lancaster to Town Board -
Official minutes of meeting held April 28, 2003. DISPOSITION = Received and Filed
294. Town Clerk, Town of Evans to Town Board -
Transmittal of resolution regarding assessments of real property owned by utilities.
DISPOSITION = Received and Filed
295. Safety Coordinator to Town Board -
Safety Steering Committee minutes of meeting held April 23, 2003. DISPOSITION =
Received and Filed
296. Erie County Department of Environment & Planning to Planning Board Chairman -
Notification of Lead Agency Designation to the Town of Lancaster regarding Dental
Office, 5755 Broadway; comments noted. DISPOSITION = Resolution 5/19/03
297. Erie County Department of Environment & Planning to Planning Board Chairman -
Comments regarding site plan review for proposed Dental Office, 5755 Broadway.
DISPOSITION = Planning Committee
298. Building Inspector to Town Clerk -
Approval for game room license for Regal Cinemas, 6707 Transit Road. DISPOSITION
= Received and Filed
299. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding LASII Work
Environments, 4343 Walden Avenue; comments noted. DISPOSITION = Planning
Committee
300. General Crew Chief to Supervisor -
Request appointment of Christa Kufel as a seasonal employee. DISPOSITION =
Resolution 5/19/03
301. Donald Richardson, Jr. to Town Board and All Bingo Locations -
Notice of resignation as Bingo Inspector effective May 19, 2003. DISPOSITION =
Received and Filed
302. Supervisor to Town Board -
Request discussion at May 19th meeting regarding Village of Lancaster's failure to pay for
Police services. DISPOSITION = Received and Filed


ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL
MEMBER STEMPNIAK FOR ADJOURNMENT OF THE MEETING, on roll, which resulted as
follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 9:47 P.M. in memory of Kathleen Szymanski Baccari.

Signed


Johanna M. Coleman, Town Clerk